



Expires – Upon Issuance of LPP

Deletion of Exhibit 13-A “No Right of Way Certification”

I. BACKGROUND

In the past, Exhibit 13-A “No Right of Way Certification Local Assistance Project (Off the State Highway System)” of the [Local Assistance Procedures Manual \(LAPM\)](#) was used for local assistance projects where no additional right of way, rights in real property, or utility relocations of any kind were required. The “No Right of Way Certification” was completed by the local agency and approved by the District Local Assistance Engineer without District or headquarters Right of Way staff review or approval.

In a letter to the Local Assistance Division Chief dated August 31, 2010, the Federal Highway Administration stated that they had “*reviewed several "No Right of Way" (ROW) Certifications on federally funded "off system" local projects, where utility and railroad work was not properly coordinated per 23 CFR 635.309.*” FHWA further stated that the “No ROW Certification” was not one which is recognized in the Federal regulations defined in 23 CFR 635.309 (c)(1), (2), and (3); and effective immediately, Exhibit 13-A shall no longer be used.

II. POLICY

Exhibit 13-A shall no longer be used by the local agency or accepted by Caltrans from local agencies. Exhibit 13-B shall be used for all right of way certifications, including those cases where Exhibit 13-A (now being deleted) was used in the past. Exhibit 13-B requires Caltrans District Right of Way staff review and action.

III. PROCEDURE

- 1) The “**EXHIBITS**” portion of LAPM **CHAPTER 13 RIGHTS OF WAY**, Table of Contents, is modified to read:

EXHIBIT 13-A ~~NO RIGHT OF WAY CERTIFICATION LOCAL ASSISTANCE PROJECT (OFF STATE HIGHWAY SYSTEM)~~[DELETED]..... 13-43

- 2) The “**PROJECT CERTIFICATION—NO ADDITIONAL RIGHT OF WAY REQUIRED**” and “**ACCEPTANCE OF THE NO RIGHT OF WAY CERTIFICATIONS**” portions of LAPM Section 13.10 are deleted in their entirety.



- 3) All other references to “**Exhibit 13-A No Right of Way Certification Local Assistance Project (OFF STATE HIGHWAY SYSTEM)**” in the LAPM are deleted in their entirety.

IV. APPLICABILITY/IMPACTS

This Office Bulletin applies to all Federal-aid local assistance projects where no additional or additional right of way, rights in real property, or utility relocations of any kind are required or may be required. LAPM Exhibit 13-A and its related language are deleted from the LAPM in their entirety.

Recommended:	<u>Original Signed By</u>	<u>11/18/10</u>
	Eugene Shy, Committee Chair	Date
Approved:	<u>Original Signed By</u>	<u>11/18/10</u>
	Mohsen Sultan, Chief Office of Policy Development and Quality Assurance	Date